

embraced and nurtured, rather than the negative aspects been 'dealt with', where would I be now? Who knows? The fact is that I now find myself in a good place, my family, friends and students recognising me for who I am and valuing my contribution.

However, within the educational establishment, my position is somewhat ambiguous. Why do we insist on shoe-horning talented people into higher education and

degrees, when we should be spending our time looking for ways to add value to the abilities that people so clearly already have? I am unsure whether I have expressed my views on this very clearly, but I hope reading this piece gives us a chance to discuss whether our current system of higher education is meeting the needs of our society. So much latent ability is being wasted due to our obsession with degrees as the way forward for 'able' students.

Scenario-Based Evaluation of an Ethical Framework for the Use of Digital Media in Learning and Teaching

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Introduction and background

Interest in educational podcasting, audio feedback and media-enhanced learning, in its various forms, has grown due to the increased access academic staff and students have to new technologies. The benefits have been widely reported in the educational development and disciplinary literature on learning technology, mobile learning, digital age learning, and assessment and feedback. However, such literature focuses more on what can be done, rather than if it *should* be done. Hargreaves (2008) signals the need to balance ethical risk in the creative curriculum with actions that maximise beneficence, especially within the context of a sector that espouses to develop critical skills in learners. In a world of constantly developing technology, it is not always easy to appraise the implications of a pedagogic innovation. As practitioners concerned with academic development, our aim is to facilitate academics to reflect on their practice from a

variety of perspectives, and we felt that an easy-to-use ethical framework could assist academics to identify potential ethical problems.

The Media-Enhanced Learning Special Interest Group (MELSIG) is a UK network of academics, developers and learning technologists. They identified the need to consider the ethical risk associated with using digital media in response to examples described in recent literature, and ideas generated by its community. It was as a result of discussions at MELSIG that this collaborative work began. The three members of MELSIG were joined by a colleague with an interest in ethics but who was relatively inexperienced with new technologies. When this work began we looked primarily at digital media, but it is considered that such a framework can be used to appraise the use of other new technologies in learning and teaching.

This paper will begin by giving a brief explanation of ethics, as a discipline, and the approach to ethics which underpins this framework. We will then discuss the results from a scenario-based evaluation of the framework, undertaken by the four authors. Following this evaluation, the framework is now being evaluated by a wider community of practitioners, on real examples, and continues to develop as it is exposed to wider use. However, it is considered that the initial scenario-based evaluation raised some interim findings that will be of interest to a wider audience.

What is ethics?

Ethics is a branch of philosophy that deals with investigating issues of right and wrong, in order to argue for what *ought* to be done. Singer (1993) maintains that all of us are involved in ethics because our actions are open to moral evaluation; 'Anyone who thinks about what he or she ought to do is, consciously or unconsciously, involved in ethics' (Singer, 1993, p.V). Education, as a discipline, encourages and fosters creativity and innovation. However, some innovations can become popular and fashionable so quickly that practitioners can 'jump on the bandwagon' before there has been a period of reflection about whether this is something we ought to be doing.

Background to the framework

Beauchamp and Childress (2009) developed a principle-based approach for use in biomedical ethics, designed to be easily utilised by healthcare practitioners making ethical decisions about their proposed actions. It is this approach which underpins the framework developed for use by educational practitioners. Beauchamp and Childress (2009) advocate the use of four principles; respect for autonomy, nonmaleficence, beneficence and justice.

Autonomy is an extremely complex (not to mention controversial) concept and respect for autonomy incorporates many related principles. To avoid over analysis of the relatively uncomplicated ethical questions being considered here, we replaced this principle with 'respect for individual learners'. In our framework, this principle incorporates the principles of informed consent, respect for confidentiality, and respect for privacy of persons and their property; which seemed, at the outset of this study, to be the most relevant aspects of autonomy for the topic under discussion.

The principle of beneficence in this framework can be understood as learning enhancement, where there is an assumption that the practitioner is considering the use of new technologies to develop or replace existing methods of learning and teaching. This part of the framework therefore seeks to identify the benefits over and above the *status quo* of practice, as it is currently understood. This is an important part of the ethical appraisal because it allows the practitioner to weigh up the proportionality of the benefits in relation to the risks, identified in other parts of the framework.

Nonmaleficence is concerned with avoiding harm to the learners and other stakeholders. We are not arguing that all other methods of learning and teaching, being used hitherto, is value free or without risk. Rather we are viewing the current situation as the *status quo*, in which there may be known and understood risks, but ones which can be mitigated against. In this section of the framework we ask the practitioner to consider the risks of harms which could be introduced as a direct result of using digital media in their proposed learning and teaching innovation.

Justice or fairness is also very complex, so it is important to clarify the areas of justice we have incorporated into our framework. At this point, we consider that distributive justice is the most relevant area when considering the use of digital media in learning and teaching. In our use of this principle we have made two central assumptions; firstly, that all learners ought to have an equal opportunity to learn, and secondly that resources ought to be distributed evenly to all learners as far as is practicably possible. The introduction of new technologies may well result in uneven distribution of resources for a period of time, whilst their use is being evaluated in a pilot group for example. This was not viewed as a barrier to trialling the use of digital media, but consideration must be given to whether, or

not, there are sufficient resources to benefit all learners should the trial be successful. Consideration should also be given to the removal of resources from one group in order to utilise new technologies with another.

Because our focus here is innovation in the use new innovations, such as the use of digital media, neither the risks nor benefits may be known at this stage and issues identified may be speculative. In such cases it is important to plan methods of monitoring, and evaluation, so that early indications of any adverse impact can be identified and mitigating action taken. In areas of uncertainty, the cautionary principle is deemed prudent (Rescher 1983), but uncertainty in itself should not be viewed as sufficient reason to abandon pedagogic innovation with new technologies.

Using the framework

Figure 1 (overleaf) shows the original framework whereas Figure 2 shows how this became an evaluation tool.

Fig 1: Framework for highlighting ethical issues when using digital media to promote student learning

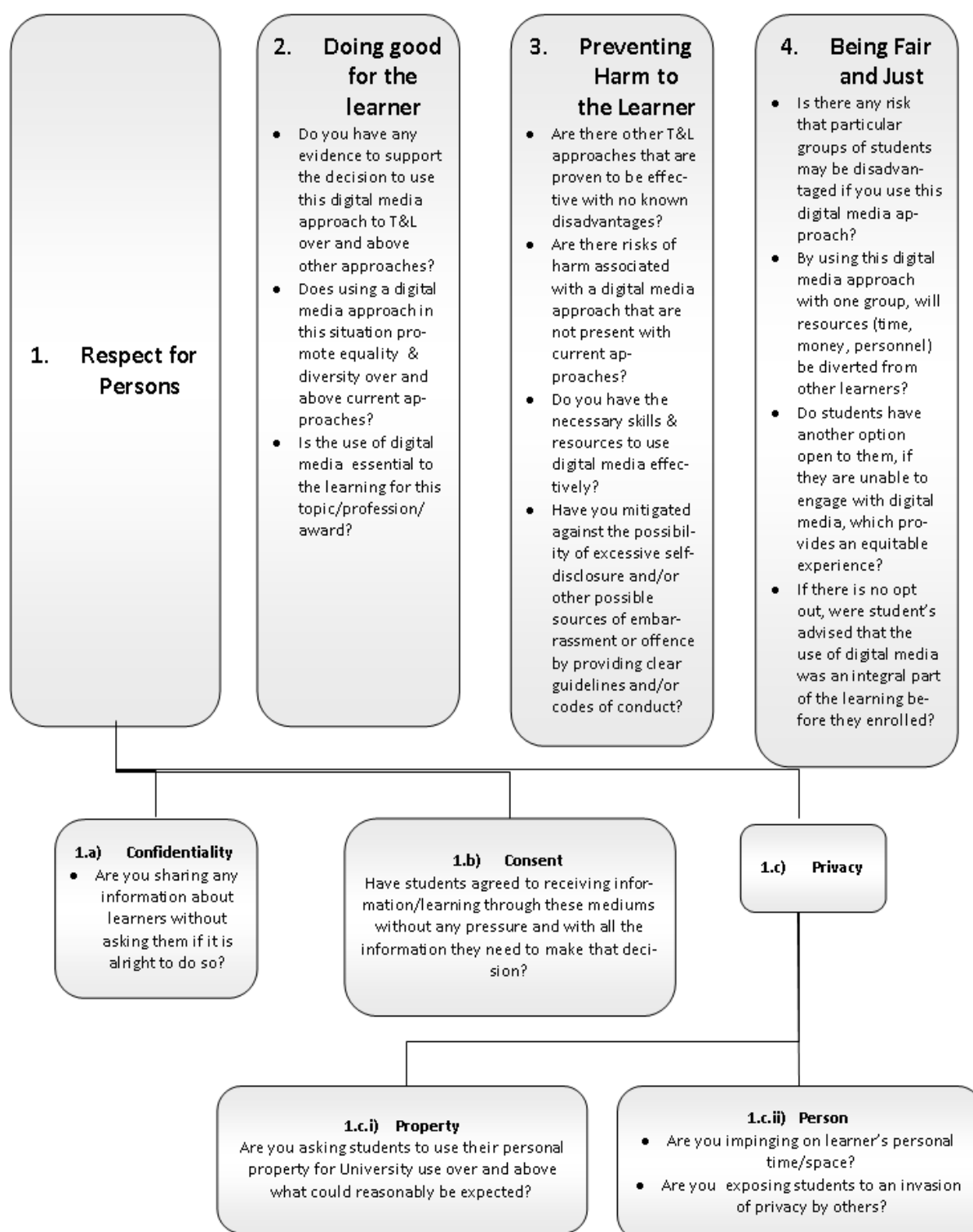


Figure 2: Framework for highlighting ethical issues when using digital media to promote student learning (version used in scenario evaluation)

Principle 1. Respect for Persons	
1a) Confidentiality	Are you sharing any information about learners without asking them if it is alright to do so?
1b) Consent	Have students agreed to receiving information/learning through these mediums without any pressure and with all the information they need to make that decision?
	Have they, or will they, be involved in making the decision to proceed with this proposal?
1c) Privacy	
1c i) <i>Property</i>	Are you asking students to use their personal property for University use over and above what could reasonably be expected?
	Is there a risk of damage to their property resulting directly from the use you are proposing to introduce?
1c ii) <i>Person</i>	Are you impinging on learner's personal time/space?
	Are you exposing students to an invasion of privacy by others?
Principle 2. Doing Good for the Learner	
	Do you have reason to believe, or evidence to indicate, that using digital media in this situation will enhance learning?
	Do you have reason to believe, or evidence to indicate, that using digital media in this situation will adequately engage and challenge the learner as much, or more, than the current approach?
	Does using a digital media approach in this situation promote equality and diversity over and above the current approach?
	Is the use of digital media essential to the learning for this topic/profession/award?
Principle 3. Preventing Harm to the Learner	
	Are there other teaching and learning approaches that are proven to be effective with fewer known disadvantages?
	Are there risks of harm associated with a digital media approach that are not present with the current approach?
	Do you have the necessary skills and resources to use the proposed digital media effectively?
	Have you mitigated against the possibility of excessive self-disclosure, and/or other possible sources of embarrassment or offence, by providing clear guidelines and/or codes of conduct?
Principle 4. Being Fair and Just	
	Is there any risk that particular groups of students may be disadvantaged if you use this digital media, over and above the current approach?
	By using this digital media approach with one group, will resources (time, money) be diverted from other learners?
	Do students have another option open to them if they are unable to engage with digital media which provides an equitable experience?
	If there is no alternative, were students advised that the use of digital media was an integral part of the module learning, before they enrolled?

Users do not have to respond to every question if not applicable; equally, it is not realistic to expect any proposed action to fit neatly into particular boxes or principles without a sense of overlap or conflict. What is important is that issues are highlighted for the practitioner. Some issues may be viewed as both a benefit for some learners and a risk for others, in which case the practitioner will need to make a judgment about the likelihood and the value of potential benefits and harms. The practitioner can use the framework as indicated in Box 1.

Figure 3: To show how the practitioner uses the framework.

- Draw up a clear proposal for what you are intending to do prior to undertaking your ethical appraisal;
- Work through the questions posed in the framework, preferably in collaboration with others, making a note of significant issues that need further consideration;
- For all the risks identified in sections 1, 3 and 4, consider all possible steps to minimise or eliminate the likelihood of the harm occurring and/or the impact of the harm;
- Consider the proportionality of the remaining risks in relation to the potential benefits identified in section 2;
- If the potential benefits are significant and the risk of harm relatively small the practitioner can make a reasoned justification to proceed. Being open and honest about the risks with the learners, as well as careful monitoring and evaluation can further enhance the justification to proceed.

A cautionary approach should be taken where there is a significant likelihood of the harm occurring or the nature of the harm is potentially serious. At this point the practitioner may wish to postpone their proposed intervention until the risks can be minimised or eliminated, at least to the level of the option to continue with the *status quo*. However, there may still be a case to proceed, for example in order to gain more knowledge about the risks. In such cases there may be strategies available to the practitioner that allow for on-going evaluation. For example, the practitioner may involve the learners with the decision about whether to proceed, or not, whilst ensuring that the intervention can be halted if learners are being harmed in any way.

The four authors utilised the framework on the following scenarios and shared their appraisals via a 'Googledoc'.

Figure 4: Media-enhanced learning scenarios evaluated using the framework

Coursecast	The weekly lecture is recorded by AV services and automatically posted to the University's lecture capture system where access to lectures is restricted to those currently enrolled in the module. The course leader is interested in making the recordings available more widely to people who have previously studied the module. There is also some discussion that the lectures could be posted to iTunes for public access in order to promote the course. The recordings are made with a single lapel microphone attached to the lecturer who frequently invites questions from those attending. None of the recordings are edited.
Audio summaries	Small groups of about three students each are required to take it in turns each week to produce a summary recording of each lecture lasting between five and ten minutes. The recordings are added to the module's podcast channel so that a collective record of the module's lectures is available in the VLE. This is also available via a podcast feed so that students can subscribe to it. All students have been scheduled to contribute and a small mark is awarded for their participation. No training is provided and students are expected to source their own recorder.
Student podcast assignment	Groups are required to plan and undertake research over 12 weeks on a topic negotiated with their tutor. On completion each group is required to submit an audio podcast that will be delivered alongside those produced by their peers in the module's podcast channel. The channel's feed will be publicly accessible and its feed address will be promoted in the university and amongst relevant professional organisations. The tutor has made it known that an employer will be involved in providing feedback once the podcasts have been posted. All students are expected to contribute as speakers in their work. They are encouraged to also involve the voices of professionals and community

	leaders with expertise in the area of the topic. Each student is also required to submit an individual report detailing their involvement in the group project and its methodology. Marks are evenly split between the individual and group work.
Peer audio feedback	Individual students are required to constructively assess and provide feedback on the work-in-progress of a fellow student. This peer assessment happens amongst student pairs as nominated by the tutor in a class workshop. Each student is required to offer their partner criticism on a written draft assignment. As part of the review students are expected to offer advice on methodology and content based upon their own work and experience. The peer audio feedback is shared amongst all of the students involved and their tutor, who awards up to five marks for the review.
Group minutes	A record of group meetings, decisions and actions is made using audio. The recordings are primarily for the group member's own needs, but they are also available to the tutor for the purpose of monitoring each group's progress.
Placement stories	Placement students are required to produce a digital story of their experience. This will be made available to their peers. The stories will include a range of visual and auditory media which will mostly be captured by the student during their placement. Students are required to post the video files to YouTube and these will then be commented on by fellow students and people who were encountered during the placement.
Corridor conversations	Students are encouraged to record impromptu conversations conducted in semi-formal learning situations, using the learner's smart phone voice memo recorder or mp3 player. The phone is capable of storing the recordings of otherwise ephemeral and opportune conversations with tutors, peers and others for later review. Mobile phone applications such as iPadio can send the recordings to personal podcast streams for the learner's convenience.
Screencast feedback	Students undertaking a group project are required to submit a draft plan for comment by the tutor. The tutor reviews each plan using Word's reviewing tools and expands upon these comments using screencasting software.
Audio reflection using phlogs and a-PDP	Phlogs are audio blogs created using phones and services such as iPadio.com, Gabcast.com and AudioBoo.com. A PDP is a similar technique in which the learner records a short message at the end of each day that answers the questions: "What have I done today? What have I learnt today? What action do I plan to take?" The responses are reviewed at the beginning of the next day and written plans are created periodically.
Audio FAQs	An audio compilation of the week's questions from students to their lecturer allows all students to hear the queries and concerns that have been raised. In addition short recording, made by tutors following tutorials, are posted on the VLE where questions have generated answers that are generally useful to other students.

Preliminary findings and discussion

Using the framework on scenarios sometimes raised further questions due to the hypothetical nature of the situation. However, overall, the framework was viewed positively, given the early stage of its development. The initial framework assumed that the tutor was the producer, which was not always the case. Furthermore, there was an emphasis placed on more formal learning activities, which did not provide a representative view of the vast range of uses for this media. This may reflect

the lack of experience, by the initial framework designer, of using digital media.

From the scenario evaluation, the issue of public access, implied in some of the scenarios, caused most concern. Comments such as 'the public nature of this innovation is where the main risk lies' appeared against several scenario evaluations. The notion of broad access to ideas, conversations and presentations was planted in several scenarios with the intention that pedagogic benefits would be found in the authenticity of audiences for student work. However,

reviewers were concerned about the dubious necessity to publish and share content in some cases and the benefits, at least as they were described in the scenarios, did not seem to justify the inherent risk of losing control over the media due to its downloadable nature. Some scenarios revealed how easily willingness to participate could be inhibited and how this could adversely affect learning. Publishing digital placement stories to YouTube, for example, compromised an otherwise valuable activity. The potential harms to learning that were identified with increased access included reducing learner participation, strategic absenteeism and creating unease or discomfort, particularly for those who may be considered shy or lacking in confidence.

There were a number of issues raised by appeal to the principle of fairness or justice. These related to ensuring equity for all learners, primarily in terms of the distribution of resources and the ability to use them effectively. For some learners the challenges of the technology could detract from the content of the learning. The appraisal also indicated the possibility of certain groups of learners being disadvantaged. However, it was also apparent that risks, identified by appeal to this principle, appeared straightforward to address by offering alternatives, as is true more generally when making practice more inclusive.

Related to the benefit of offering alternatives, is the issue of 'opt-out'. Where individuals objected to being recorded, or having that recording made publicly available, the reviewers seemed to be in agreement that an 'opt-out' would be regarded as reasonable. However, the practicalities of operationalising such an 'opt-out' were acknowledged to be challenging. This was particularly true in situations where the general public or those

outside the 'learning community' were being included in the recording. Gaining a thorough knowledge of how to use public spaces with appropriate security levels can take a considerable investment of time. The framework was considered very useful in highlighting potential ethical sensitivities, for which user development and guidance would be needed.

Limitations of the framework

One of the areas which need reviewing is the principle of 'respect for individual learners'. It is clear from the scenarios that there are other stakeholders whose autonomy may be compromised. Also, it is not clear whether stipulating the components of this principle is helpful, or not, as there was a mixed response to this. There may also be scope for reducing the number of prompts in this section. The main issues relating to respect for individuals were identified by all reviewers. This was generally done by appeal to the overall principle and collectively discussed under one subheading. The other response boxes were then redundant and reviewers simply referred the reader to the one completed section for that principle.

Some of the terminology used was off-putting to users less familiar with the discipline of ethics. There were also some different interpretations of non-ethical terminology. For example some reviewers found the term 'current approach' problematic. There was a concern that it indicated that 'current approach' was synonymous for 'traditional, non-technological approach'. One way of looking at whether risks are reasonable, or not, is to examine the choice options available (Rescher 1983). One choice option is always to do nothing and maintain the status quo. It is that choice option which has been expressed as 'current approach' in the framework. The

appraiser is asked to consider the risks and benefits of doing nothing. There is, of course, risks attached to such an option, for example the risk of not benefiting from the proposed innovation.

If the framework is to prove helpful for users in all disciplines, the language used must not act as a barrier. The term 'harm', for example was considered to be a very strong term. Although ethicists argue about a precise definition of harm, the term itself has a broad use in that discipline. However, in common parlance that term might be connected to a deliberate act of injuring another person. Clearly practitioners would not wish to identify themselves with an action falling into that category, and may therefore not consider the possibility of negative outcomes, albeit as a result of a well-meaning action.

Reviewers, most familiar with the use of digital audio, were concerned that the framework did not adequately represent a potential loss of benefit as a risk in its own right. One reviewer commented that the framework did not effectively communicate the ethical concern that not taking action may result in a student experience that is undemanding and disengaging; with some tutors being in denial about the potential for enhancing learning through the use of digital audio. It can be very easy for sceptics to focus on the risks and not give due consideration to the possible benefits. It is also true that some people are simply more risk averse when it comes to innovations or changes in practice, outside their comfort zone. Again, clear articulation of the potential benefits will play an important part of any appraisal.

Arriving at different conclusions is neither unexpected nor undesirable in ethical appraisal. However, this was not made clear in the guidance for using the framework. Once

all the reviewers had completed their ethical evaluations of the scenarios, their evaluations were shared. It was quickly noted that there were differing conclusions drawn about the ethical implications in some of the scenarios. Some differences arose because of difference in approach to the task; for example whether, or not, the underpinning pedagogy was included in the appraisal. However, some simply arose because when four reviewers undertake an ethical review, four perspectives are given. This is what adds richness to collaborative ethical review, and underpins approaches to ethical reviews in other areas such as research and medicine. Ethical reviews, in those contexts, are undertaken by groups, or committees, in an attempt to take account of all perspectives. It is, therefore, strongly recommended that a collaborative approach is taken to ethically evaluating innovative approaches to learning and teaching, regardless of whether new technologies are being utilised.

Further work and conclusions

Further development of the framework will include: recognising the *learner* as producer (not just staff); taking more account of less formal learning situations; reviewing the terminology; reducing prompts and clarifying the extent to which users should consider the pedagogic underpinning.

Consideration needs to be given to development of both students and staff in order to raise awareness of the potential ethical issues inherent in the educational use of locally produced digital media. Risk is considerably reduced if learners have information and guidance at the earliest opportunity, especially in situations where digital media is integral to the proposed pedagogy. The use of module handbooks was identified as a mechanism to clearly set out

the intention to use digital media and its associated implications. We would also suggest that verbal discussion of ethical issues and responsibilities be part of the preparation for undertaking the digital media learning task. In addition there may need to be opportunities, built in to the task, for monitoring, further guidance and/or supervision.

The study concluded that, whilst academic staff and their students are being innovative in using digital media, there is the potential to expose themselves and others to ethical risk without being aware of it. Institutions, academics, and students must recognise and understand their ethical responsibilities. Generally speaking, ethics is not well covered in university education, despite some very good reasons why it ought to be (Escámez, López and Jover, 2008). There is a need for more development and education in this area, particularly in discipline areas not naturally associated with ethics.

Despite the need for caution, this paper has begun to identify several areas of important work that, when completed, could be of value in promoting ethically responsible innovations in the use of digital media-enhanced learning.

As with many other aspects of academic life, mechanisms to facilitate ethical appraisal of proposed innovations provide time and space to consider alternative perspectives. This framework, with further development, may provide such a mechanism for appraising the innovative use of technologies in learning and teaching.

References

Beauchamp, T.L. & Childress, J.F. (2009) *Principles of Biomedical Ethics*. 6th edition. New York: Oxford University Press

Darwell, S.L. (2003) *Theories of ethics*. Chapter 2 in Frey RG and Wellman CH (eds.) *A Companion to Applied Ethics*. Malden, MA: Blackwell.

Escámez, J., López, R. G., Y Jover, G. (2008) Restructuring university degree programmes: a new opportunity for ethics education? *Journal of Moral Education* 37(1): 41-53.

Hargreaves, J. (2008) Risk: the ethics of a creative curriculum. *Innovations in Education and Teaching International*, Aug 2008, 45(3), 227

Rescher, N. (1983) *Risk: A philosophical introduction to the theory of risk evaluation and risk management*. Washington: University Press of America

Singer, P. (ed). (1993) *A Companion to Ethics*. Oxford: Blackwell

Talking Point...

Reading Students'

Expectations: a talking point

David Mathew, Centre of Learning Excellence

Paper delivered at 'Academic Literacies: Reading in the Academy', Institute of Education, Friday 17 June 2011.

Introduction

This brief paper addresses the issue of graduate and postgraduate learners who have been educated in a language other than English, who subsequently relocate to England to study English. Whether this relocation is for work reasons or for leisure, the challenge of